

**REMARKS**

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

**I. CLAIM STATUS AND AMENDMENTS**

Claims 21-39 were pending in this application.

Claims 21-39 were examined on the merits and stand rejected.

Claims 25 and 30 were cancelled without prejudice or disclaimer thereto.

Claims 21, 24, 29, 31, 32 and 35-39 were amended to clarify the claimed invention.

Support for amended Claim 21 can be found on page 20, lines 12-26, of the specification.

Support for amended Claim 31 can be found on page 29, lines 8-18, of the specification.

No new matter has been added.

**II. CLAIM OBJECTIONS**

In item 2 of the Office Action, Claims 33 and 35 were objected to on the basis of minor informalities. These claims have been amended to recite the term “conducted” instead of the term “conductive” as suggested by the Examiner. Therefore, this rejection is moot.

**III. SPECIFICATION**

The specification has been amended to correct typographic errors and improve readability, as requested by the Office. No new matter has been added.

**IV. INDEFINITENESS REJECTION**

In items 4-6 of the Office Action, Claim 21 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. In particular, the Office states that the term “box-type” is indefinite.

Claim 21 has been amended to delete the term “box-type” as well as further clarify the claimed invention. Therefore, this rejection is moot and should be withdrawn.

## **V. ANTICIPATION REJECTIONS**

In item 8 of the Office Action, Claims 21, 25, 26, 27, 28, 33 and 34 were rejected under 35 U.S.C. § 102(b) as being anticipated by Burkovich et al. (US 5,232,655).

In item 11 of the Office Action, Claim 36 is rejected under 35 U.S.C. § 102(b) as being anticipated by Bisconte (US 4,800,164)

Applicants respectfully traverse these rejections as applied to the amended claims.

Neither Bisconte nor Burkovich et al. discloses the element “inner spaces divided by a separator” recited in amended Claim 21.

This element of the claimed invention enables multi-lot cells or tissue to be cultured concurrently. It further allows the growth of the cells or tissue of each lot to be managed. By dividing the inner spaces using a separator, maintenance functions such as sterilization and washing are easier to perform. Further, culture and maintenance of multi-lot cells or tissue can be conducted simultaneously. The separator also prevents contaminations such as cross pollution. Finally, the separator of Claim 21 has a practicable door for transferring the culture container.

Bisconte and Burkovich et al. also fail to disclose the vibration unit or rotation unit for peeling a culture substance described in amended Claim 29.

For the above-noted reasons, these rejections are untenable and should be withdrawn.

## **VI. OBVIOUSNESS REJECTIONS**

In item 16 of the Office Action, Claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as being obvious over Burkovich et al. in view of Creed et al. (US 4,666,722).

As noted above, Claim 21 is amended to recite “a plural number of closed and aseptic inner spaces divided by a separator equipped with a practicable door for transferring the culture container”. Such elements are not taught or suggested by Burkovich et al. Creed et al. fails to remedy this deficiency. Claims 22 and 23 are dependent upon Claim 21. Thus, the cited references fail to teach or suggest each element of the claimed invention. Therefore, this rejection is untenable and should be withdrawn.

In item 19 of the Office Action, Claim 24 was rejected under 35 U.S.C. § 103(a) as being obvious over Burkovich et al. in view of Takagi et al. (JP 20001-238663).

Claim 24 is dependent upon Claim 21. As noted above, Burkovich et al. fails to teach each and every element of Claim 21. Furthermore, Takagi et al. fails to disclose the pressure controller in amended Claim 24. This pressure controller allows the mixing of pollution substances from outside the apparatus to be suppressed. This result cannot be achieved through the autoclave procedure disclosed in Takagi et al.

Thus, the cited references fail to teach or suggest each and every element of Claim 24, as amended. Therefore, this rejection is untenable and should be withdrawn.

In item 21 of the Office Action, Claims 30, 31 and 32 were rejected under 35 U.S.C. § 103(a) as being obvious over Burkovich et al. in view of Matsuda et al. (US 4,966,853).

Again, Applicants note that Burkovich et al. fails to teach each and every element of amended Claim 21. Claims 31 and 32 are dependent on Claim 21.

Also, Matsuda et al. fails to disclose the pressing unit for applying physical pressure to culture by contacting as described in amended Claim 31. By applying pressing force, stimulus signal (interleukin, cytokine, etc.) is sequentially transmitted on a molecular level and culture environments for cell or tissue can be controlled.

Applicants further note that Claim 30 has been cancelled without prejudice or disclaimer thereto.

Thus, the cited references fail to teach each and every element of the claimed invention. Therefore, this rejection is untenable and should be withdrawn.

In item 25 of the Office Action, Claim 35 was rejected under 35 U.S.C. § 103(a) as being obvious over Burkovich et al. in view of Sawmura et al. (US 4,090,921).

Claim 35 is dependent upon Claim 21. As noted above, Burkovich et al. fails to teach each and every element of Claim 21 and therefore this rejection is untenable and should be withdrawn.

In item 29 of the Office Action, Claims 38 and 39 were rejected under 35 U.S.C. § 103(a) as being obvious over Bisconte in view of Bylina et al. (US 5,914,245).

Applicants note that Bisconte et al. fails to teach or suggest “a plural number of closed and aseptic inner spaces divided by a separator equipped with a practical door for transferring the culture container” as required in amended Claim 1. Further, Bylina et al. fails to disclose or suggest a displacement meter which measures the thickness of a cell as required in Claim 38.

Thus, the cited references fail to teach or suggest each and every element of the amended claims. Therefore, this rejection is untenable and should be withdrawn.

**CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Mutsumi TAKAGI et al.

By: 

William R. Schmidt, II  
Registration No. 58,327  
Attorney for Applicants

WRS/lc  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
August 18, 2008